

FILED**Jul 13 - 2023**

John M. Domurad, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA**v.**

TODD WARD a/k/a “FATS,”
CHRISTOPHER WARD a/k/a “REEK,”
ROCCO RESCINITI a/k/a “ROCK,”
and [REDACTED]

Defendants.

) Criminal No. 1:23-CR- 280(GTS)
)
) **Indictment**
)
) Violations: 18 U.S.C. §§ 1349, 1341
) [Conspiracy to Commit Mail
) Fraud]
)
) 18 U.S.C. § 1341
) [Mail Fraud]
)
) 8 Counts
)
) Counties of Offenses: Albany & Rensselaer

THE GRAND JURY CHARGES:

Background

At all times relevant to this indictment:

1. The New York State Department of Labor (“NYSDOL”), based in Albany County, New York, was an agency of the State of New York responsible for administering unemployment insurance claims and distributing benefits to eligible New Yorkers.

2. NYSDOL payments to beneficiaries included unemployment insurance benefits paid in accordance with federal government programs created in response to the ongoing COVID-19 pandemic. Certain federal unemployment insurance programs allowed individuals who would not normally qualify for unemployment insurance benefits to receive payments. Federal unemployment insurance programs also provided for supplemental weekly payments ranging from \$300 to \$600.

3. New Yorkers who qualified for unemployment insurance benefits could apply through an online NYSDOL system housed on computer systems located in Albany County, New

York. Applicants completed an online application and then re-certified their eligibility for benefits on a weekly basis. Applicants entered certain means of identification in the online system, including names, dates of birth, Social Security numbers, and state identification card numbers. Applicants were also required to provide sufficient information to confirm their eligibility for unemployment insurance benefits, such as their work history and whether they were available to work immediately.

4. If applicants provided their means of identification and eligibility information over the phone, a NYSDOL employee entered the information into the NYSDOL system using employee-specific system access credentials. These credentials also provided NYSDOL employees with the ability to enter claims certifications and weekly re-certifications into the NYSDOL system and to release payments on unemployment insurance claims.

5. NYSDOL gave applicants two options to receive unemployment insurance benefits as part of the online application process. First, applicants could choose to receive their benefits by direct deposit into an existing bank account. Under this option, NYSDOL deposited benefits via Automated Clearing House transfer into a bank account identified by the applicant on his or her application. Second, applicants could choose to receive their benefits via a debit card issued by KeyBank, N.A. (“KeyBank”), a bank headquartered in Ohio. Under this option, NYSDOL sent the mailing address and other information provided by the applicant to KeyBank. KeyBank generated a debit card for the applicant and sent it via the United States Postal Service to the mailing address provided by the applicant. Unemployment insurance benefits were deposited into an account linked to the debit card, which could be used to withdraw cash or make online payments and point-of-sale purchases.

6. Carl J. DiVeglia III (“DeVeglia”) was an employee of NYSDOL who worked from a state government office and his residence, both of which were in Albany County, New York.

COUNT 1
[Conspiracy to Commit Mail Fraud]

The Conspiracy

7. The allegations set out in paragraphs 1 through 6 of this indictment are hereby re-alleged and incorporated by reference as if set forth herein.

8. From in or around November 2020, through in or around September 2021, in Albany and Rensselaer Counties in the Northern District of New York, and elsewhere, defendants **TODD WARD a/k/a “FATS,” CHRISTOPHER WARD a/k/a “REEK,” ROCCO RESCINITI a/k/a “ROCK,”** and [REDACTED] conspired with others, including Carl J. DiVeglia III, to commit mail fraud by devising and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, and for the purpose of executing such scheme and artifice, and attempting to do so, knowingly caused to be placed in a post office and authorized depository for mail matter, any matter and thing to be sent and delivered by the United States Postal Service, and knowingly caused to be delivered by mail according to the direction thereon any matter and thing, in violation of Title 18, United States Code, Section 1341.

Object of the Conspiracy

9. The object of the conspiracy was to fraudulently obtain unemployment insurance benefits from NYSDOL by submitting false and fraudulent claims in the names of other people to NYSDOL and then approving and releasing payments on the false claims.

Manner and Means

It was a manner and means of the conspiracy that:

10. **TODD WARD a/k/a “FATS” (“T. WARD”), CHRISTOPHER WARD a/k/a “REEK” (“C. WARD”), ROCCO RESCINITI a/k/a “ROCK” (“RESCINITI”)** and [REDACTED] recruited other people to provide their means of identification for use in submitting false and fraudulent unemployment insurance claims and then sent the means of identification to DiVeglia. **T. WARD, C. WARD, RESCINITI,** and [REDACTED] collectively sent DiVeglia the means of identification of at least 13 different people, including:

Approximate Date Sent	Sender	Means of Identification
July 29, 2021	T. WARD	Name, date of birth, Social Security number, and state identification card number of D.S.-1
July 29, 2021	T. WARD	Name, date of birth, Social Security number, and state identification card number of D.S.-2
July 29, 2021	T. WARD	Name, date of birth, and Social Security number of J.N.-A.
July 30, 2021	C. WARD	Name, date of birth, Social Security number, and state identification card number of R.P.
July 29, 2021	RESCINITI	Name, date of birth, Social Security number, and state identification card number of D.R.
July 29, 2021	RESCINITI	Name, date of birth, Social Security number, and state identification card number of T.G.
August 6, 2021	[REDACTED]	Name, date of birth, Social Security number, and state identification card number of L.C.

11. False and fraudulent applications for unemployment insurance benefits were submitted to NYSDOL using the means of identification of the people recruited by **T. WARD, C. WARD, RESCINITI,** and [REDACTED] which DeVeglia then approved. As the defendants knew, the applications contained misrepresentations about the applicants’ eligibility for unemployment insurance benefits, including their occupations and the dates they became unemployed due to the COVID-19 pandemic. The false and fraudulent applications approved by DiVeglia included:

Approximate Application Date	Applicant’s Initials
July 29, 2021	D.S.-1
July 29, 2021	D.S.-2
July 29, 2021	J.N.-A.
July 30, 2021	R.P.

July 29, 2021	D.R.
July 29, 2021	T.G.
August 6, 2021	L.C.

12. NYSDOL paid unemployment insurance benefits for these false and fraudulent claims via NYSDOL-branded KeyBank debit cards mailed through the United States Postal Service to addresses in the Northern District of New York specified in the false and fraudulent unemployment insurance applications. These mailings included debit cards in the names of D.S.-1, D.S.-2, J.N.-A., R.P., D.R., T.G., and L.C. sent between in or around August 2021 and September 2021.

13. NYSDOL paid tens of thousands of dollars on the false and fraudulent unemployment insurance claims.

All in violation of Title 18, United States Code, Section 1349.

COUNTS 2 THROUGH 8
[Mail Fraud]

14. The allegations set out in paragraphs 1 through 13 of this indictment are hereby re-alleged and incorporated by reference as if set forth herein.

15. From in or around November 2020, through in or around September 2021, in Albany and Rensselaer Counties in the Northern District of New York, and elsewhere, the defendants listed as to each count below devised and intended to devise a scheme and artifice to defraud NYSDOL, and to obtain money and property from NYSDOL by means of materially false and fraudulent pretenses, representations, and promises.

16. For the purpose of executing such scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, the defendants as to each count below, on or about the following dates, knowingly caused to be delivered by the United States Postal Service according to the directions thereon, the

following matters and things to addresses in the Northern District of New York, including Albany, Troy, Watervliet, and Wynantskill, New York:

Count	Defendant	Approximate Date of Mailing	Description of the Matters and Things	Carrier
2	TODD WARD a/k/a "FATS"	August 2, 2021	NYSDOL Debit Card issued by KeyBank in the Name of D.S.-1	United States Postal Service
3	TODD WARD a/k/a "FATS"	August 2, 2021	NYSDOL Debit Card issued by KeyBank in the Name of D.S.-2	United States Postal Service
4	TODD WARD a/k/a "FATS"	August 2, 2021	NYSDOL Debit Card issued by KeyBank in the Name of J.N.-A.	United States Postal Service
5	CHRISTOPHER WARD a/k/a "REEK"	August 5, 2021	NYSDOL Debit Card issued by KeyBank in the Name of R.P.	United States Postal Service
6	ROCCO RESCINITI a/k/a "ROCK"	August 16, 2021	NYSDOL Debit Card issued by KeyBank in the Name of D.R.	United States Postal Service
7	ROCCO RESCINITI a/k/a "ROCK"	September 21, 2021	NYSDOL Debit Card issued by KeyBank in the Name of T.G.	United States Postal Service
8	[REDACTED]	August 13, 2021	NYSDOL Debit Card issued by KeyBank in the Name of L.C.	United States Postal Service

In violation of Title 18, United States Code, Section 1341.


FORFEITURE ALLEGATION

1. The allegations contained in Counts 1 through 8 of this indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c).

2. Upon conviction of offenses in violation of Title 18, United States Code, Sections 1341 and 1349, as set forth in Counts 1 through 8 of this indictment, defendants **TODD WARD a/k/a "FATS," CHRISTOPHER WARD a/k/a "REEK," ROCCO RESCINITI a/k/a "ROCK,"** and [REDACTED] shall forfeit to the United States of America, pursuant to Title

18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real and personal, which constitutes and is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

- a. Money judgments as to each defendant equal to the value of the proceeds derived from the offenses.

3. If any of the property described above, as a result of any act or omission of **TODD WARD, CHRISTOPHER WARD, RESCINITI**, and 

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

All pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

Dated: July 13, 2023

A TRUE BILL,

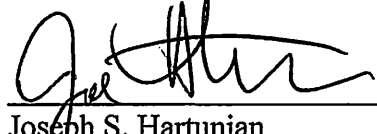


Grand Jury Foreperson

***Redacted Foreperson Name

CARLA B. FREEDMAN
United States Attorney

By:

A handwritten signature in black ink, appearing to read 'Joe Hartunian', is written over a horizontal line.

Joseph S. Hartunian
Joshua R. Rosenthal
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Bar Roll Nos. 704398 & 700730